

## **Remarks**

### **I. Summary**

Claims 1-20 were pending in the above-identified application. Claims 1, 5, 8-9, 13, and 16 are currently amended. Claims 6-7 and 14-15 have been cancelled, and their subject matter incorporated into claims 1 and 9. Claim 17 was previously presented. Claims 2-4, 10-12, and 18-20 are original.

Claims 1-4, 9-12, and 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,798,785 to Hendricks et al. ("Hendricks") in view of U.S. Pat. No. 5,758,257 to Herz et al. ("Herz"). Claims 5-6, 8, 13-14, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Herz, further in view of U.S. Pat. No. 5,692,214 to Levine ("Levine"). Claims 7 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Herz, further in view of U.S. Pat. No. 5,521,589 to Mondrosch et al. ("Mondrosch"). Applicants respectfully traverse these rejections and request reconsideration in light of the remarks below.

### **II. The Rejection of Claims 17-20**

Independent claim 17 is directed to an interactive program guide including a display screen. The guide includes means local to a viewer for storing television schedule information including information about TV programs and criteria associated with each television program. The guide also includes means local to the viewer for generating a set of favorite criteria about TV programs that the viewer would likely be interested in, searching the database to identify TV programs that include at least one of the favorite criteria, tagging the identified program(s), and in response to the automatic tagging, activating an IPG function related to the tagged program(s). In particular, the generating, searching, tagging, and activating steps are all performed automatically, without user intervention. Hendricks and Herz fail to teach or suggest this claimed subject matter. Specifically, Hendricks and Herz fail to teach or suggest activating an IPG function related to the tagged TV program(s).

- A. Hendricks' display of a list of suggested programs to a user is not activated without user intervention, and would not teach or suggest to one of ordinary skill in the art to do so.

The position of the Examiner in this rejection appears to be that Hendricks shows means local to the viewer for automatically searching a database to identify TV programs that include at least one generated user favorite criteria, automatically tagging the identified programs, and automatically activating an IPG function related to the tagged programs, and that Herz shows means local to the viewer for automatically generating favorite criteria without user intervention. In particular, the Examiner alleges that Hendricks discloses activating a function of the IPG related to a tagged program without viewer's intervention at col. 30, lines 48-50. Applicants respectfully disagree.

The cited section of Hendricks, which describes Hendricks' preferred "responsive" embodiment (col. 30, line 4), states, "The microprocessor 602 will then select one or more programs to suggest to the subscriber based on the results of the abstract search. These suggested programs will then be displayed on the menu for viewer selection" (col. 30, lines 47-50). Hendricks does not state that this occurs without user intervention. In fact, Hendricks states quite the opposite, going on to say that in this preferred embodiment, after the search has been completed, "[i]f the viewer desires to view a list of all of these selections and/or corresponding abstracts, the viewer may select the VIEW option 1172 in the main menu 1130," and that "[u]pon [viewer] selection of the view option, the microprocessor 602 instructs the selection list menu 1174 . . . to be displayed on the screen" (col. 32, lines 33-38). The rest of Hendricks is silent regarding displaying a list of suggested programs without user intervention. Hence, Hendricks does not teach or suggest this claimed subject matter.

Even if assuming, *arguendo*, Hendricks did not explicitly teach that the list of suggested programs is displayed when the viewer selects the view option, Applicants submit, as discussed in a previous Office Action reply, that performing such an action without user intervention is inconceivable. Displaying suggested programs without user intervention would result in a disruptive system that would unpredictably show lists of programs to a viewer, even when the viewer is trying to watch a television program. Such a system would, at best, be a nuisance to a

viewer, and, in a more likely scenario, would actually prevent a viewer from even watching television programs.

For at least the reasons above, Applicants submit that Hendricks fails to teach or suggest activating an IPG function related to a tagged program without viewer's intervention.

- B. Herz fails to bridge the gap and make up for the deficiencies in Hendricks, because Herz fails to teach or suggest activating an IPG function related to a tagged program without user intervention.

Herz fails to make up for the deficiencies in Hendricks. Herz is directed to a customer profile system in which characteristics of a data source are quantified and stored as content profiles and customer preferences for those characteristics are stored in one or more customer profiles (Herz, col. 9, lines 30-34). Herz uses these content profiles to generate "virtual" channels that have programming of interest to particular users, and users may tune to the "virtual" channels to receive the selected programming of interest (*id.*, col. 46, lines 57-59). In particular, user intervention (in the form of tuning) is required in Herz, and Herz does not otherwise describe activating an IPG function related to a tagged program without user intervention. Hence, Herz fails to make up for the deficiencies in Hendricks. The combination of Hendricks and Herz would, at most, result in a system where user favorite criteria could be generated and searches performed for programs matching these favorite criteria, but still fails to perform an IPG function related to the programs without user intervention.

For at least the above reasons, Hendricks and Herz fail to teach or suggest the claimed subject matter of independent claim 17. Hence, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of claim 17. Since claims 18-20 each depend from and further limit claim 17, Applicants also respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of these dependent claims.

### III. The Rejections of Claims 1-5, 8-13, and 16

Independent claim 1 recites, among other things, a processor configured to, without user intervention, activate a function of an IPG related to a tagged television program. The activated function includes at least one of automatically programming a recording device to record the tagged

program at a scheduled telecast time and automatically setting a reminder for the viewer to view the tagged program. Claim 9 is directed to similar subject matter. The references fail to teach or suggest this subject matter.

- A. Levine and Mondrosch fail to make up for the deficiencies in Hendricks and Herz regarding the claimed subject matter, because Levine and Mondrosch do not teach or suggest setting a recording or setting a reminder without user intervention.

The Examiner concedes that Hendricks and Herz fail to teach (a) automatically programming a recording device to record a tagged program without user intervention, and (b) automatically setting a reminder for a viewer to view a tagged program without user intervention. To make up for these deficiencies in Hendricks and Herz, the Examiner relies on the Levine and Mondrosch references. However, Applicants submit that the Levine and Mondrosch references fail to make up for the lack of teaching in Hendricks and Herz.

The recording system in Levine relies on user selection to schedule a program recording, and does not automatically program a recording device to record a program without user intervention.

Levine fails to make up for the deficiencies in Hendricks and Herz. Levine is directed to a system for recording programs. A computer receives a schedule of future programs, and a user selects a particular program to be scheduled for recording. The selected program is recorded at the appropriate time (Levine, abstract). While the recording process of Levine, described in the section cited by the Examiner, may be automatic once a recording has been scheduled, a user selection of a program to be recorded is still necessary. Hence, since Levine explicitly teaches that the recording scheduling process involves a user selection of the program to be recorded, Levine fails to teach or suggest automatically programming a recording device to record a program without user intervention. The combination of Hendricks, Herz, and Levine would, at most, provide a system capable of generating user favorite criteria, search for and identify programs matching at least one favorite criteria, and record the identified programs once a user has scheduled the recording, but would still be unable to automatically program a recording device to record programs without user intervention.

The reminder system in Mondrosch relies on a message originator to provide information to set a reminder, and thus does not automatically set a reminder without user intervention.

Mondrosch fails to make up for the deficiencies in Hendricks, Herz, and Levine. Mondrosch is directed to data communication receivers for receiving selective call messages. A message originator (e.g., a coworker) that desires to send a reminder to another coworker provides information related to the reminder to a paging terminal 100 (Mondrosch, col. 3, lines 23-46). The system then proceeds to set a reminder for the other coworker, described in the portion of Mondrosch cited by the Examiner. Similar to Levine, once the reminder is set, the reminding process is automatic, but user intervention is still required to first provide the information for the reminder. Hence, since Mondrosch explicitly teaches that setting a reminder involves a user providing information about the reminder, Mondrosch fails to teach or suggest automatically setting a reminder without user intervention. Moreover, Mondrosch is silent regarding automatically programming a recording device to record a program without user intervention. At most, the combination of Hendricks, Herz, Levine, and Mondrosch would provide a system capable of generating user favorite criteria, search for and identify programs matching at least one favorite criteria, and either record the identified program or remind the user about an identified program once a user has scheduled the recording or the reminder. However, the system would still be incapable of automatically scheduling the recording or the reminder.

Therefore, Levine and Mondrosch, alone or in combination, fail to make up for the lack of teaching in Hendricks and Herz with respect to independent claims 1 and 9. For at least this reason, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of independent claims 1 and 9. Since claims 2-5, 8, 10-13, and 16 each depend from and further limit one of claims 1 and 9, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of these dependent claims.

#### IV. Conclusion

In view of the foregoing, Applicants believe that the pending application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Applicants believe no fee is due with this response other than as indicated in the enclosed Amendment Transmittal. However, if a fee is due, please charge our Deposit Account No. 06-1075, from which the undersigned is authorized to draw.

Dated: January 20, 2010

Respectfully submitted,

By /Tan Mau Wu/  
Tan Mau Wu  
Registration No.: 65,061  
ROPES & GRAY LLP  
Attorneys/Agents for Applicants  
Customer No. 75563